

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

19

**COMMISSIONERS**

JEFF HATCH-MILLER – Chairman  
WILLIAM A. MUNDELL  
MARC SPITZER  
MIKE GLEASON  
KRISTIN K. MAYES

Arizona Corporation Commission

**DOCKETED**

AUG 10 2006

2006 AUG 10 A 9:53

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED BY

IN THE MATTER OF THE COMPLAINT OF  
ESCHELON TELECOM OF ARIZONA, INC.  
AGAINST QWEST CORPORATION

)  
) DOCKET NO. T-03406A-06-0257  
) DOCKET NO. T-01051B-06-0257  
)  
)  
)

**MOTION AND CONSENT OF MICHAEL W. PATTEN FOR  
PRO HAC VICE ADMISSION OF GREGORY RONALD MERZ  
ON BEHALF OF ESCHOLON TELECOM OF ARIZONA, INC.**

Pursuant to Rule 33(c) and (d) Rules of Supreme Court, Michael W. Patten moves the Arizona Corporation Commission to admit Gregory R. Merz as counsel pro hac vice in this action.

The following exhibits are attached here to pursuant to Rule 33(c) and (d):


1. The Original Verified Application;
2. The Certificate of Good Standing; and
3. The State Bar of Arizona Notice of Receipt.

The filing fee as required under Rule 33(d) has been submitted to the State Bar of Arizona. Michael W. Patten hereby agrees to serve as designated local counsel for the above-captioned docket.

ROSHKA DEWULF & PATTEN, PLC  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

1 RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of August 2006.

2 ESCHELON TELECOM OF ARIZONA, INC.

3  
4 By   
5 Michael W. Patten  
6 J. Matthew Derstine  
7 Roshka DeWulf & Patten, PLC  
8 400 East Van Buren Street, Suite 800  
9 Phoenix, Arizona 85004

10 and

11 Karen L. Clauson, Esq.  
12 Senior Director of Interconnection/Sr. Attorney  
13 Eschelon Telecom of Arizona, Inc.  
14 730 2<sup>nd</sup> Avenue S., Suite 900  
15 Minneapolis, MN 55402

16 Gregory R. Merz, Esq.  
17 Eschelon Telecom of Arizona, Inc.  
18 3830 Girard Avenue North  
19 Minneapolis, MN 55412

20 Of Counsel

21 Original and 15 copies of the foregoing  
22 filed this 10<sup>th</sup> day of August 2006 with:

23 Docket Control  
24 Arizona Corporation Commission  
25 1200 West Washington Street  
26 Phoenix, Arizona 85007

27 Copy of the foregoing hand-delivered/mailed  
this 10<sup>th</sup> day of August 2006 to:

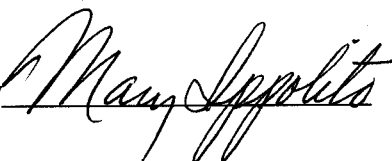
Amy Bjelland, Esq.  
Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

**ROSHKA DEWULF & PATTEN, PLC**

ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

- 1 Maureen A. Scott  
Legal Division
- 2 Arizona Corporation Commission
- 3 1200 West Washington  
Phoenix, Arizona 85007
- 4 Ernest G. Johnson, Esq.  
Director, Utilities Division
- 5 Arizona Corporation Commission
- 6 1200 West Washington  
Phoenix, Arizona 85007
- 7 Norman G. Curtright  
Corporate Counsel
- 8 Qwest Corporation
- 9 20 East Thomas Road, 16<sup>th</sup> Floor  
Phoenix, Arizona 85012
- 10 Melissa Kay Thompson  
Qwest Services Corporation
- 11 1801 California Street, 10<sup>th</sup> Floor  
Denver, Colorado 80202
- 12 Charles W. Steese
- 13 Steese & Evans, P.C.
- 14 6400 South Fiddlers Green Circle, Ste 1820  
Denver, Colorado 80111

By



1 Arizona Corporation Commission

2  
3 Eschelon Telecom of Arizona, )

4 Plaintiff, )

5 v. )

6 Qwest Corporation, )

7 Defendant. )

CASE # Not yet assigned

SBA App # 1002707

NOTICE OF RECEIPT OF  
COMPLETE APPLICATION

8  
9 NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has  
received the verified application and fee from Gregory Ronald Merz.

10 In addition to this application, applicant has made the following applications to appear pro hac  
vice, pursuant to Rule 38 (a), within the previous three (3) years:

Title of Matter	Court/Agency	Date	Granted?	
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____		

15 Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of  
16 Good Standing are attached hereto.

17 DATED this 02<sup>nd</sup> day of August 2006

18 

19 Ayde Gutierrez  
20 Resource Center  
State Bar of Arizona

21 Original Mailed on this 02<sup>nd</sup> day of August 2006 to:

22  
23 Michael W. Patten  
24 Roshka DeWulf & Patten PLC  
25 One Arizona Center  
400 E Van Buren Suite 800  
Phoenix, AZ 85004-2262



For Official Use Only

App# 1002714

Pro Hac ID # D160723

**NONRESIDENT ATTORNEY  
PRO HAC VICE APPLICATION**

Name: Gregory Ronald Merz  
Residence Address: 3830 Girard Avenue North, Minneapolis, MN 55412  
Office Address: Gray Plant Mooty, 500 IDS Center, 80 South 8<sup>th</sup> Street, Minneapolis, MN 55402

Telephone: 612 632 3257

Fax: 612 632 4257

Title of cause or case where applicant seeks to appear: Petition of Eschelon Telecom of Arizona, Inc. for Arbitration of Intercarrier Negotiations with Qwest Corporation under the Telecommunications Act of 1996

Docket Number: Not yet assigned

Court, Board, or Administrative Agency: Arizona Corporation Commission

Party on whose behalf applicant seeks to appear: Eschelon Telecom of Arizona, Inc.

Courts to Which Applicant Has Been Admitted:

Minnesota state courts

Date of Admission:

10/16/1987

Bar Number:

185942

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant ☐ is / ☒ is not (**select one**) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

Jurisdiction(s) Where  
Discipline Matter Pending:

Nature of Matter  
Under Investigation:

Name / Address of  
Disciplinary Authority:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant ☐ has / ☒ has not (**select one**) been disciplined by any court, agency or organization authorized to discipline attorneys at law.

**RECEIVED**

JUL 21 2006

State Bar of Arizona  
Resource Center Department

In the preceding three (3) years, applicant has filed applications to appear as counsel under Rule 33, Arizona Rules of Supreme Court in the following:

Title of Matter:	Docket #:	Court or Agency:	Application Granted? (Y/N)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Name of local counsel: Micheal W. Patten  
State Bar of Arizona Number: 009796  
Address: Roshka, DeWulf & Patten, One Arizona Center, 400 E. Van Buren, Suite 800, Phoenix, AZ 85004

Telephone : 602 256 6100 Fax: 602 256 6800

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
<u>Qwest</u>	<u>Norman G. Curtright</u>	<u>20 E. Thomas Road, 16<sup>th</sup> Floor, Phoenix, AZ 85012</u>
<u>Qwest</u>	<u>Melissa K. Thompson (pro hac vice pending)</u>	<u>1801 California, 10<sup>th</sup> Floor, Denver, CO 80202</u>
_____	_____	_____
_____	_____	_____

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$391.00.

This case or cause is ☒ is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, applicant certifies the following:

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

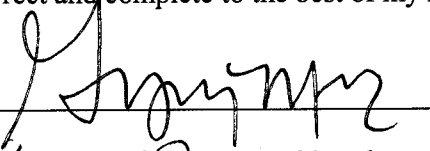
Verification

STATE OF Minnesota  
County of Hennepin ss.

I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

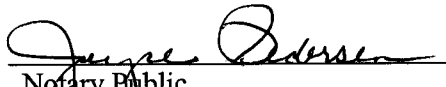
Dated: July 20, 2006

Applicant's signature



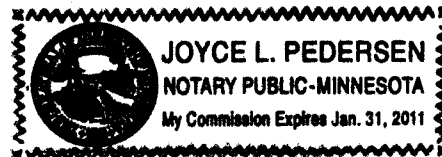
SUBSCRIBED AND SWORN TO before me this 20th day of July, 2006, by

Gregory Ronald Merz  
Name of Applicant

  
Notary Public

**NOTE – As the application requires original signatures of the applicant and notary, this application cannot be filed electronically. Please submit all documents and fees by mail to:**

State Bar of Arizona  
Pro Hac Vice  
4201 N. 24th Street, Suite 200  
Phoenix, AZ 85016-6288



For further information, please contact our Resource Center at 602-340-7239.

# STATE OF MINNESOTA IN SUPREME COURT

## *Certificate of Good Standing*

This is to certify that the following attorney is in good standing.

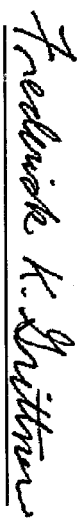
GREGORY RONALD MERZ

was duly admitted to practice as an attorney and counselor at law in all the courts of this state on

October 16, 1987

Given under my hand and seal of this court on

June 12, 2006

  
Fredrick K. Grittner  
Clerk of Appellate Courts

